

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. SACV 23-01035-FWS (KESx) Date August 18, 2023

Title Anthony Di Bernardo et al v. The Lafayette Life insurance Company et al

PRESENT: HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE

Melissa H. Kuniq
Deputy Clerk

Not Reported
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR
LACK OF PROSECUTION**

The Court, on its own motion, hereby ORDERS plaintiff's counsel, to show cause in writing no later than **August 22, 2023**, why this action should not be dismissed for lack of prosecution for failure to file a joint report (FRCivP 26). As an alternative to a written response by plaintiff, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

- Filing of the parties' Joint Report (FRCivP 26) pursuant to the court's Order Setting Rule 26(F) Scheduling Conference

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 90 days after the filing of the complaint. Fed. R. Civ. P. 4 (m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiffs have not diligently prosecuted the action.

It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiffs must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 8.3.

The court CONTINUES the Scheduling Conference to **September 7, 2023, at 9:00 a.m.**

Initials of Deputy Clerk mku